



Kansas Department of Health and Environment

Nursing Facilities Program

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Resident Assessment Instrument

The Health Care Financing Administration plans to release the Minimum Data Set 2.0 in the near future. A new manual is being developed and will not be available until summer. HCFA is also developing specific requirements for the software to ensure transmission of the MDS data to a national data base. It is strongly recommended that facilities do not purchase software for the MDS 2.0 version until after all of the requirements are known. It is anticipated that the July *Fact Sheet* will contain a copy of the new instrument and the specifics for implementation. KDHE is working cooperatively with industry groups in developing state wide training for the instrument beginning in October.

Frequently Asked Questions Answered in the *Fact Sheet*

This office receives a number of questions which have been discussed in previous issues of the *Fact Sheet*. The listing below may provide some assistance to staff in answering frequently asked questions.

- Admission Agreements - January 1995
- Appropriate Use of Physical Restraints - January 1995
- Cardiopulmonary Resuscitation - October 1992
- Do Not Resuscitate Orders - October 1995 and October 1991
- Nosocomial MRSA Infection - April 1992
- Scabies - April 1991

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Enforcement Regulations

The Health Care Financing Administration has issued enforcement regulations which are scheduled to be implemented July 1. Training for survey agencies will be held in April and May. KDHE will be training survey staff on the new regulations in June. KDHE will work cooperatively with industry groups to educate providers on implementation of the new regulations. Information on educational offerings will be distributed by the professional nursing facility organizations.

Choice of Pharmacy

Kansas statutes provide that residents of adult care homes (nursing facilities and intermediate personal care homes) have the right to select the pharmacy which supplies their medications. (KSA 39-936). Regulations implementing this statute are found in KAR 28-39-147(e)(5).

"Each resident shall be afforded the right to choose the pharmacy where prescribed medications are purchased. When the facility uses a unit dose or similar medication distribution system, the resident shall have the right to choose among pharmacies that offer or are willing to offer the same or a compatible system."

In addition, facilities must provide a 30 day notice in advance of the effective date of a proposed change in facility pharmacy services as required by KAR 28-39-147(b)(2).

In the event that a facility decides to select a new pharmacy to provide a unit dose system, the following is **recommended** to assure that the rights of residents are protected.

1. A written 30 day notice of the proposed change be provided to each resident and/or legal representative. (Required by KAR 28-39-147 (b) (2).
2. Include in the 30 day notice a form on which the resident or legal representative could indicate the choice for pharmacy services. This form should be maintained in the resident's administrative file. The letter must clearly state the resident's right of choice for pharmacy services.
3. If the resident or legal representative does not respond to the letter, the individual should be contacted by the facility. In the event the resident or legal representative state that they wish to change pharmacies, ask them to provide this information in writing. This information should be maintained in the resident's administrative file. A change in provider of medications can happen only when agreed to by the resident or their legal representative.

This office has received a number of calls from residents' families concerning this issue. It is essential that facilities ensure that the resident's right for choice of pharmacy is protected.

There have been a number of questions asked concerning the appropriate protocol to be followed related to delivery of medications by a pharmacy which does not own the medication carts. The Board of Pharmacy was consulted on this issue.

Pharmacy staff should deliver the medications to an employee of the facility who has the authority to administer medications. This staff member should be responsible for placing the unit dose cards in the medication cart. In addition, facility staff who have the authority to have access to medications should remove the used unit dose cards from the medication cart and provide the carts to appropriate pharmacy staff. Only individuals with the authority to administer medications, the administrator or consulting pharmacist may have access to medication carts or the medication room.

Graduate Nurses

When surveyors review employment records of new graduate nurses they will look for evidence that the new graduate has

not worked for more than 90 days past graduation. Facilities should have one or both of the following in the employees personnel file: a letter from the school of nursing indicating the date of graduation or the authorization to test card issued by the National Council for Licensing Examination. The authorization to test card will indicate the date on which the graduate is scheduled to take the licensure test. The individual should receive a license or a letter indicating they did not pass the licensure examination within 5 to 10 days of the test date. It is the responsibility of the facility to ensure that staff meet licensure requirements.

Resources for Quality Care

- Treatment of Pressure Ulcers is the latest clinical guideline issued by the Agency for Health Care Policy and Research. This publication contains the standard of practice related to the treatment of pressure ulcers. A previous clinical guideline described the standard of practice for prevention of pressure ulcers. Surveyors will be provided a copy of the guideline at the annual surveyor inservice in April. Facilities may obtain single copies of the clinical guidelines by calling 1-800-358-9295 or writing to AHCPR Publications Clearinghouse, P.O. Box 8547, Silver Spring, MD 20907.
- A description of an intervention program for high-risk residents was published in **The Consultant Dietitian**, winter 1994 issue. This article describes a cost-effective program developed by Becky Dorner, RD, LD. The information in the article indicated that the program was effective in preventing and treating malnutrition in residents and generated a significant cost savings for the facility. **The Consultant Dietitian** is a publication of the American Dietetic Association Practice Group.

ANE ISSUE STATISTICS 12/1/94 to 2/28/95				
Total Complaint Calls Assigned for Investigation - 565				
<u>ANE Investigations</u>		<u>Care Issues Investigated</u>		
Total	140	Total	425	
December	38	December	128	
January	59	January	173	
February	43	February	124	
Alleged Perpetrators - Administrative Review				
	Total Cases	Pending	Declined	Referred
ACH Admin.	3	0	0	3
RNs	11	1	0	10
LPNs	14	0	0	14
CNAs/CMAs	38	10	7	31
MD	1	0	0	1
Pharmacists	1	0	0	1
Administrative Hearings on CNAs/CMAs				
Held	14			
Confirmed	5			
Unconfirmed	6			
Pending Decision	3			
Appeal	3			

*Licensure Category	Civil Penalties				Correction Orders			
	1st	2nd	3rd	4th	1994 Quarters			
					1st	2nd	3rd	4th
Inadequate or inappropriate hygiene and skin care	2	-	2	6	17	7	14	23
Inadequate or unqualified staffing	2	-	3	-	8	5	11	7
Inoperable or inaccessible call system	-	-	-	-	6	2	2	-
Inappropriate or unauthorized use of restraints	3	-	-	-	5	7	10	16
Unsafe medication administration or storage	2	-	-	-	5	7	1	6
Inadequate nursing services other than skin care	4	1	5	3	8	5	13	16
Inadequate or inappropriate asepsis technique	1	-	1	-	4	-	4	2
Inadequate or inappropriate dietary/nutritional services	1	1	1	2	8	5	7	14
Unsafe storage of hazardous or toxic substances	-	-	-	-	1	-	1	3
Failure to maintain equipment	1	2	1	-	6	2	3	3
Resident right violations	1	-	2	1	4	4	5	3
Unsafe high water temperature	-	1	-	-	3	1	3	3
Inadequate hot water	-	-	-	-	-	-	-	-
General sanitation and safety	2	-	1	-	5	5	4	3
Other (including inappropriate admission)	-	-	-	-	-	1	4	5
Inadequate rehabilitation services	-	-	-	-	-	-	1	1
Civil Penalties	11	5	9	9				
Correction Orders					34	27	29	38
Bans on Admission	5	1	7	7				
Denials	4	2	3	3				

* A correction order or civil penalty may consist of multiple issues summarized within the licensure categories above.